

# **EXHIBIT 24**

1 IN THE UNITED STATES DISTRICT COURT  
2 FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA  
3 AT HUNTINGTON  
4 TRANSCRIPT OF PROCEEDINGS  
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8 IN RE: ETHICON, INC., PELVIC  
9 REPAIR SYSTEM PRODUCTS LIABILITY MDL NO.  
10 LITIGATION 2:12-md-2327  
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14 MOTION HEARING

15 JUNE 13, 2014

16 BEFORE THE HONORABLE **CHERYL A. EIFERT,**  
17 UNITED STATES MAGISTRATE JUDGE  
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19 Sidney L. Christie Federal Building  
20 845 Fifth Avenue, Room 109  
21 Huntington, West Virginia 25701  
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**A P P E A R A N C E S**

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**FOR THE DEFENDANTS:**

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computer.

—Motion Hearing—

1           PROCEEDINGS had before The Honorable Cheryl A. Eifert,  
2           Magistrate Judge, United States District Court, Southern  
3           District of West Virginia, in Huntington, West Virginia, on  
4           June 13, 2014, at 10:00 a.m., as follows:

5           THE COURT: Good morning.

6           RESPONSE: Good morning, Your Honor.

7           THE COURT: In re: Ethicon, Inc., Pelvic Repair  
8           System Products Liability litigation, Case Number  
9           2:12-md-2327.

10           Counsel, please note your appearance.

11           MR. ANDERSON: Ben Anderson for the plaintiffs.

12           MR. WALKER: Erik Walker for the plaintiffs.

13           MR. THOMAS: David Thomas for defendants, Your Honor.

14           THE COURT: Thank you.

15           Okay. I have read all of the materials and let me  
16           tell you what I'm thinking, and then I'll let you all say  
17           whatever you want to say.

18           So, I think we all agree that any tissue that's  
19           removed that might include the mesh is going to be evidence,  
20           correct?

21           MR. ANDERSON: Correct.

22           MR. THOMAS: Yes.

23           THE COURT: And most likely will be critical  
24           evidence, maybe not always, but likely in some cases; we don't  
25           know which. Would you agree?

—Motion Hearing—

1 MR. ANDERSON: Some cases, it may be --

2 THE COURT: Yes.

3 MR. ANDERSON: -- additional evidence of pathology.

4 MR. THOMAS: We certainly believe it's critical  
5 evidence, Your Honor.

6 THE COURT: All right. We don't agree, as I  
7 understand it, that the plaintiffs have control over it. I  
8 think the defendant says that the plaintiffs do have control  
9 over it; plaintiff says plaintiffs do not have control over  
10 this evidence. Right?

11 MR. ANDERSON: Yes, Your Honor.

12 THE COURT: I'm going to tell you that I looked at  
13 your argument regarding the medical records and I don't agree  
14 with that argument, and I'll tell you why I don't agree with  
15 it.

16 I think that tissue is completely different from  
17 medical records because my understanding of medical records is  
18 that those records belong to the medical provider. The  
19 medical provider creates the records. It's the thought  
20 process of the medical provider. And from the beginning of  
21 time, those records have belonged to the medical provider.  
22 The patient has had an interest in the record, since the  
23 record is about the patient, but it's always been the work  
24 product of the provider. And so that makes records a little  
25 different, in my mind, than, for example, my tissue taken out